

**ASSEMBLY BILL**

**No. 63**

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**Introduced by Assembly Member Frazier**

December 12, 2016

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An act to amend Section 12814.6 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, as introduced, Frazier. Driver's licenses: provisional licenses.

Existing law, the Brady-Jared Teen Driver Safety Act of 1997, establishes a provisional licensing program and generally requires that a driver's license issued to a person at least 16 years of age but under 18 years of age be issued pursuant to that provisional licensing program. During the first 12 months after issuance of a provisional license, existing law prohibits the licensee from driving between the hours of 11 p.m. and 5 a.m. and transporting passengers who are under 20 years of age, unless he or she is accompanied and supervised by a licensed driver, as specified, or a licensed or certified driving instructor. Existing law provides limited exceptions to these restrictions under which a licensee is authorized to drive under specified circumstances, including a school or school-authorized activity or an employment necessity, and requires the licensee to keep certain supporting documentation in his or her possession. A violation of these provisions is punishable as an infraction.

This bill would expand the scope of the provisional licensing program by extending the applicable age range for the program to 16 to under 21 years of age. By expanding the scope of the provisional licensing program, the violation of which constitutes an infraction, the bill would impose a state-mandated local program. The bill would authorize a

licensee who is 18, 19, or 20 years of age to keep in his or her possession a copy of his or her class schedule or work schedule as documentation to satisfy the exceptions for a school or school-authorized activity and employment necessity, respectively, and would provide that a signed statement by a parent or legal guardian is not required if reasonable transportation facilities are inadequate and the operation of a vehicle by a licensee who is 18, 19, or 20 years of age is necessary to transport the licensee or the licensee's immediate family member. The bill would make other technical and conforming changes. The bill would also include specified findings and declarations.

Existing law requires the Department of Motor Vehicles to regulate the issuance of licenses in this state and to impose and collect fees for the issuance of those licenses.

This bill would authorize the department to impose and, except as specified, collect a fee from each student who earns a provisional driver's license pursuant to the provisions described above, on and after January 1, 2018, in the amount of \$2 or an amount not to exceed the reasonable regulatory costs to the department in implementing the changes described above, whichever is less.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the State Department of Public Health's
- 4 EpiCenter and data provided by the National Center for Injury
- 5 Prevention and Control of the federal Centers for Disease Control
- 6 and Prevention (CDC), unintentional injuries are the leading cause
- 7 of death and hospitalizations for California's children and youth
- 8 between 1 and 19 years of age and the leading cause of
- 9 injury-related deaths for children under one year of age. The
- 10 EpiCenter data shows that every 10 years unintentional injuries
- 11 cause the death of nearly 10,000 California children and youth,

1 result in the hospitalization of another 240,000, and result in more  
2 than 4 million emergency room visits, at a cost of more than \$617  
3 million a year in medical costs and \$3.4 billion a year in medical  
4 and wage loss costs combined when parents, caregivers, or  
5 guardians have to take time off work to help care for an injured  
6 child or plan for a funeral.

7 (b) According to the EpiCenter, the National Center for Injury  
8 Prevention and Control, the National Highway Traffic Safety  
9 Administration (NHTSA), and the American Academy of  
10 Pediatrics, vehicle crashes are the leading cause of death and  
11 hospitalizations for teenage youth nationwide, and crashes  
12 involving teenage drivers are most likely to lead to teenage deaths  
13 and hospitalizations.

14 (c) Vehicle crashes involving children and youth 19 years of  
15 age or younger cost California's health care system \$110 million  
16 in medical costs and \$387 million in medical and wage loss costs  
17 combined, excluding ongoing medical, follow-up care, special  
18 education, services provided by the State Department of  
19 Developmental Services, and other associated costs.

20 (d) According to the CDC, the Insurance Institute for Highway  
21 Safety, the Department of Motor Vehicles, the Department of the  
22 California Highway Patrol, and NHTSA data, there are five factors  
23 that have a documented impact on reducing teenage driver-involved  
24 crashes and result in fewer deaths and injuries involving first-time  
25 teenage drivers:

26 (1) Teenage drivers obtaining their first driver's license after  
27 completing a Graduated Driver Licensing (GDL) program, which  
28 requires driver education training, and a period of time during  
29 which the driver gains experience driving under the restrictions of  
30 a provisional license.

31 (2) Teenage drivers not texting or using a cellular telephone  
32 while driving.

33 (3) Teenage drivers not having peers in the car as passengers,  
34 especially during the provisional driver's license time period.

35 (4) Teenage drivers not drinking alcohol and driving.

36 (5) Teenage drivers wearing a shoulder harness seatbelt at all  
37 times while driving.

38 (e) According to the CDC, NHTSA, and Insurance Institute for  
39 Highway Safety, data, first-time teenage drivers who have obtained  
40 their unrestricted driver's license after completing a GDL program,

1 similar to the GDL program in California, have 40 to 60 percent  
2 fewer crashes than first-time teenage drivers who have not gone  
3 through GDL. California's GDL program only covers first-time  
4 teenage drivers who are 16 or 17 years of age. First-time California  
5 teenage drivers who are 18 or 19 years of age are not required to  
6 complete California's GDL program.

7 (f) According to the Department of Motor Vehicles, 35 percent  
8 or more of California's teenagers do not first obtain their driver's  
9 license until they are 18 or 19 years of age.

10 (g) For all of these reasons, and because California's GDL  
11 program has proven to be successful in greatly reducing first-time  
12 teenage driver-involved crashes, the Legislature has a compelling  
13 reason to protect all of our state's teenage drivers, and everyone  
14 else who drives on the same roadways, by expanding California's  
15 first-time teenage driver GDL program to include persons who are  
16 under 21 years of age, but over 17 years of age, to allow first-time  
17 teenage drivers enough time to fully complete the driver education  
18 and provisional or restricted driver's license phase of the GDL  
19 program.

20 SEC. 2. Section 12814.6 of the Vehicle Code is amended to  
21 read:

22 12814.6. (a) Except as provided in Section 12814.7, a driver's  
23 license issued to a person at least 16 years of age but under ~~18~~ 21  
24 years of age shall be issued pursuant to the provisional licensing  
25 program contained in this section. The program shall consist of  
26 all of the following components:

27 (1) Upon application for an original license, the applicant shall  
28 be issued an instruction permit pursuant to Section 12509. A person  
29 who has in his or her immediate possession a valid permit issued  
30 pursuant to Section 12509 may operate a motor vehicle, other than  
31 a motorcycle or motorized bicycle, only when the person is either  
32 taking the driver training instruction referred to in paragraph (3)  
33 or practicing that instruction, provided the person is accompanied  
34 by, and is under the immediate supervision of, a California licensed  
35 driver 25 years of age or older whose driving privilege is not on  
36 probation. The age requirement of this paragraph does not apply  
37 if the licensed driver is the parent, spouse, or guardian of the  
38 permitholder or is a licensed or certified driving instructor.

39 (2) The person shall hold an instruction permit for not less than  
40 six months prior to applying for a provisional driver's license.

1 (3) The person shall have complied with one of the following:

2 (A) Satisfactory completion of approved courses in automobile  
3 driver education and driver training maintained pursuant to  
4 provisions of the Education Code in any secondary school of  
5 California, or equivalent instruction in a secondary school of  
6 another state.

7 (B) Satisfactory completion of an integrated driver education  
8 and training program that is approved by the department and  
9 conducted by a driving instructor licensed under Chapter 1  
10 (commencing with Section 11100) of Division 5. The program  
11 shall utilize segmented modules, whereby a portion of the  
12 educational instruction is provided by, and then reinforced through,  
13 specific behind-the-wheel training before moving to the next phase  
14 of driver education and training. The program shall contain a  
15 minimum of 30 hours of classroom instruction and six hours of  
16 behind-the-wheel training.

17 (C) Satisfactory completion of six hours or more of  
18 behind-the-wheel instruction by a driving school or an independent  
19 driving instructor licensed under Chapter 1 (commencing with  
20 Section 11100) of Division 5 and either an accredited course in  
21 automobile driver education in any secondary school of California  
22 pursuant to provisions of the Education Code or satisfactory  
23 completion of equivalent professional instruction acceptable to  
24 the department. To be acceptable to the department, the  
25 professional instruction shall meet minimum standards to be  
26 prescribed by the department, and the standards shall be at least  
27 equal to the requirements for driver education and driver training  
28 contained in the rules and regulations adopted by the State Board  
29 of Education pursuant to the Education Code. A person who has  
30 complied with this ~~subdivision~~ *subparagraph* shall not be required  
31 by the governing board of a school district to comply with  
32 subparagraph (A) in order to graduate from high school.

33 (D) Except as provided under subparagraph (B), a student ~~may~~  
34 *shall* not take driver training instruction, unless he or she has  
35 successfully completed driver education.

36 (4) The person shall complete 50 hours of supervised driving  
37 practice prior to the issuance of a provisional license, which is in  
38 addition to any other driver training instruction required by law.  
39 Not less than 10 of the required practice hours shall include driving  
40 during darkness, as defined in Section 280. Upon application for

1 a provisional license, the person shall submit to the department  
2 the certification of a parent, spouse, guardian, or licensed or  
3 certified driving instructor that the applicant has completed the  
4 required amount of driving practice and is prepared to take the  
5 department's driving test. A person without a parent, spouse,  
6 guardian, or who is an emancipated minor, may have a licensed  
7 driver 25 years of age or older or a licensed or certified driving  
8 instructor complete the certification. This requirement does not  
9 apply to motorcycle practice.

10 (5) The person shall successfully complete an examination  
11 required by the department. Before retaking a test, the person shall  
12 wait for not less than one week after failure of the written test and  
13 for not less than two weeks after failure of the driving test.

14 (b) Except as provided in Section 12814.7, the provisional  
15 driver's license shall be subject to all of the following restrictions:

16 (1) Except as specified in paragraph (2), during the first 12  
17 months after issuance of a provisional license the licensee ~~may~~  
18 *shall* not do any of the following unless accompanied and  
19 supervised by a licensed driver who is the licensee's parent or  
20 guardian, a licensed driver who is 25 years of age or older, or a  
21 licensed or certified driving instructor:

22 (A) Drive between the hours of 11 p.m. and 5 a.m.

23 (B) Transport passengers who are under 20 years of age.

24 (2) A licensee may drive between the hours of 11 p.m. and 5  
25 a.m. or transport an immediate family member without being  
26 accompanied and supervised by a licensed driver who is the  
27 licensee's parent or guardian, a licensed driver who is 25 years of  
28 age or older, or a licensed or certified driving instructor, in the  
29 following circumstances:

30 (A) Medical necessity of the licensee when reasonable  
31 transportation facilities are inadequate and operation of a vehicle  
32 by a ~~minor licensee~~ is necessary. The licensee shall keep in his or  
33 her possession a signed statement from a physician familiar with  
34 the condition, containing a diagnosis and probable date when  
35 sufficient recovery will have been made to terminate the necessity.

36 (B) ~~Schooling~~ School or school-authorized activities of the  
37 licensee when reasonable transportation facilities are inadequate  
38 and operation of a vehicle by a ~~minor licensee~~ is necessary. ~~The~~

39 (i) The licensee shall keep in his or her possession a signed  
40 statement from the school principal, dean, or school staff member

1 designated by the principal or dean, containing a probable date  
2 that the ~~schooling~~ school or school-authorized activity will have  
3 been completed.

4 (ii) *A licensee who is 18, 19, or 20 years of age may keep in his*  
5 *or her possession a copy of his or her class schedule as*  
6 *documentation to satisfy clause (i).*

7 (C) Employment necessity of the licensee when reasonable  
8 transportation facilities are inadequate and operation of a vehicle  
9 by a ~~minor~~ licensee is necessary. ~~The~~

10 (i) *The licensee shall keep in his or her possession a signed*  
11 *statement from the employer, verifying employment and containing*  
12 *a probable date that the employment will have been completed.*

13 (ii) *A licensee who is 18, 19, or 20 years of age may keep in his*  
14 *or her possession a copy of his or her work schedule as*  
15 *documentation to satisfy clause (i).*

16 (D) Necessity of the licensee or the licensee's immediate family  
17 member when reasonable transportation facilities are inadequate  
18 and operation of a vehicle by a ~~minor~~ licensee is necessary to  
19 transport the licensee or the licensee's immediate family member.  
20 The licensee shall keep in his or her possession a signed statement  
21 from a parent or legal guardian verifying the reason and containing  
22 a probable date that the necessity will have ceased. *If reasonable*  
23 *transportation facilities are inadequate and operation of a vehicle*  
24 *by a licensee who is 18, 19, or 20 years of age is necessary to*  
25 *transport the licensee or the licensee's immediate family member,*  
26 *a signed statement by a parent or legal guardian is not required.*

27 (E) The licensee is an emancipated minor.

28 (c) A law enforcement officer shall not stop a vehicle for the  
29 sole purpose of determining whether the driver is in violation of  
30 the restrictions imposed under subdivision (b).

31 (d) A law enforcement officer shall not stop a vehicle for the  
32 sole purpose of determining whether a driver who is subject to the  
33 license restrictions in subdivision (b) is in violation of Article 2.5  
34 (commencing with Section 118947) of Chapter 4 of Part 15 of  
35 Division 104 of the Health and Safety Code.

36 (e) (1) Upon a finding that any licensee has violated paragraph  
37 (1) of subdivision (b), the court shall impose one of the following:

38 (A) Not less than eight hours nor more than 16 hours of  
39 community service for a first offense and not less than 16 hours

1 nor more than 24 hours of community service for a second or  
2 subsequent offense.

3 (B) A fine of not more than thirty-five dollars (\$35) for a first  
4 offense and a fine of not more than fifty dollars (\$50) for a second  
5 or subsequent offense.

6 (2) If the court orders community service, the court shall retain  
7 jurisdiction until the hours of community service have been  
8 completed.

9 (3) If the hours of community service have not been completed  
10 within 90 days, the court shall impose a fine of not more than  
11 thirty-five dollars (\$35) for a first offense and not more than fifty  
12 dollars (\$50) for a second or subsequent offense.

13 (f) A conviction of paragraph (1) of subdivision (b), when  
14 reported to the department, ~~may~~ *shall* not be disclosed as otherwise  
15 specified in Section 1808 or constitute a violation point count value  
16 pursuant to Section 12810.

17 (g) Any term of restriction or suspension of the driving privilege  
18 imposed on a person pursuant to this subdivision shall remain in  
19 effect until the end of the term even though the person becomes  
20 ~~18~~ 21 years of age before the term ends.

21 (1) The driving privilege shall be suspended when the record  
22 of the person shows one or more notifications issued pursuant to  
23 Section 40509 or 40509.5. The suspension shall continue until any  
24 notification issued pursuant to Section 40509 or 40509.5 has been  
25 cleared.

26 (2) A 30-day restriction shall be imposed when a driver's record  
27 shows a violation point count of two or more points in 12 months,  
28 as determined in accordance with Section 12810. The restriction  
29 shall require the licensee to be accompanied by a licensed parent,  
30 spouse, guardian, or other licensed driver 25 years of age or older,  
31 except when operating a class M vehicle, or so licensed, with no  
32 passengers aboard.

33 (3) A six-month suspension of the driving privilege and a  
34 one-year term of probation shall be imposed whenever a licensee's  
35 record shows a violation point count of three or more points in 12  
36 months, as determined in accordance with Section 12810. The  
37 terms and conditions of probation shall include, but not be limited  
38 to, both of the following:



1 (A) The person shall *not* violate ~~no~~ any law ~~which, that,~~ if  
2 resulting in conviction, is reportable to the department under  
3 Section 1803.

4 (B) The person shall remain free from accident responsibility.

5 (h) Whenever action by the department under subdivision (g)  
6 arises as a result of a motor vehicle accident, the person may, in  
7 writing and within 10 days, demand a hearing to present evidence  
8 that he or she was not responsible for the accident upon which the  
9 action is based. Whenever action by the department is based upon  
10 a conviction reportable to the department under Section 1803, the  
11 person has no right to a hearing pursuant to Article 3 (commencing  
12 with Section 14100) of Chapter 3.

13 (i) The department shall require a person whose driving privilege  
14 is suspended or revoked pursuant to subdivision (g) to submit proof  
15 of financial responsibility as defined in Section 16430. The proof  
16 of financial responsibility shall be filed on or before the date of  
17 reinstatement following the suspension or revocation. The proof  
18 of financial responsibility shall be maintained with the department  
19 for three years following the date of reinstatement.

20 (j) (1) Notwithstanding any other provision of this code, the  
21 department may issue a distinctive driver's license, that displays  
22 a distinctive color or a distinctively colored stripe or other  
23 distinguishing characteristic, to persons at least 16 years of age  
24 and older but under 18 years of age, and to persons 18 years of  
25 age and older but under 21 years of age, so that the distinctive  
26 license feature is immediately recognizable. The features shall  
27 clearly differentiate between driver's licenses issued to persons at  
28 least 16 years of age or older but under 18 years of age and to  
29 persons 18 years of age or older but under 21 years of age.

30 (2) If changes in the format or appearance of driver's licenses  
31 are adopted pursuant to this subdivision, those changes may be  
32 implemented under any new contract for the production of driver's  
33 licenses entered into after the adoption of those changes.

34 (k) The department shall include, on the face of the provisional  
35 driver's license, the original issuance date of the provisional  
36 driver's license in addition to any other issuance date.

37 (l) *The department shall impose and, except as otherwise*  
38 *provided in this subdivision, collect a fee from each student who*  
39 *earns a provisional driver's license pursuant to this section, on*  
40 *and after January 1, 2018, in the amount of two dollars (\$2) or*

1 *an amount not to exceed the reasonable regulatory costs to the*  
2 *department, whichever is less, of implementing the changes made*  
3 *to this section by the act adding this subdivision. If the student*  
4 *completes the requirements set forth in paragraph (3) of*  
5 *subdivision (a) at a driving school, as described in Section 12660,*  
6 *the department may require the driving school to collect the fee*  
7 *from students who complete those requirements at that driving*  
8 *school and remit the two-dollar (\$2) fee to the department.*

9 ~~(t)~~

10 *(m)* This section shall be known and may be cited as the  
11 Brady-Jared Teen Driver Safety Act of 1997.

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.